

KIRIBATI 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Kiribati is a constitutional multiparty republic. The president exercises executive authority. Following legislative elections, the House of Assembly nominates three or four presidential candidates from among its members, and the public then elects the president for a four-year term. Citizens re-elected Taneti Maamau president in two-stage parliamentary and presidential elections in June 2020. Observers considered the elections to be free and fair, despite allegations of corruption and foreign influence throughout election campaigning.

The Police and Prisons Service, under the Ministry of Justice, maintains internal security. The country has no military force. Civilian authorities maintained effective control over police. Members of the security forces were not reported to have committed abuses.

Significant human rights issues included credible reports of: criminalization of consensual sexual activity between men, although the law was not enforced, and child labor.

The government took steps to investigate officials who committed human rights abuses, and impunity was not a problem. The government did not implement effectively the law criminalizing official corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, and there were no reports government officials employed them.

Impunity was not a problem in the security forces.

Prison and Detention Center Conditions

Although physical conditions in prisons were not problematic, comingling of convicted prisoners, pretrial detainees, and juvenile offenders remained a problem. Female prisoners were held separately from male prisoners.

Physical Conditions: In practice convicted prisoners, pretrial detainees not granted bail, and juvenile offenders ages 17 and 18 were all held together, although there were no juvenile offenders held as of September. Children younger than age 16 were usually not incarcerated. Juveniles ages 16 and 17 were generally detained no longer than one month, although for more serious charges, such as murder, they could be held in custody longer. Community-service-based sentences provided alternatives to incarceration for juvenile offenders.

Administration: Although authorities permit complaints by inmates about inhuman conditions, authorities did not report receiving any such complaints or undertake any investigations in the year to September.

Independent Monitoring: The government permits monitoring visits by independent human rights observers. During the year the Red Cross visited and provided personal hygiene supplies for detainees.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

In some cases, magistrates issued warrants before authorities made arrests. Authorities must bring persons taken into custody without a warrant before a magistrate within 24 hours, or within a reasonable amount of time when arrests take place in remote locations. Officials generally respected these requirements. Authorities released many individuals charged with minor offenses on their own recognizance pending trial and routinely granted bail for many offenses. The law requires that authorities inform arrested individuals of the charges against them and of their rights, including the right to legal counsel during questioning and the right not to incriminate themselves. Two police officers must be always present during the questioning of detainees, who also have the option of writing and reviewing statements given to police. Detainees received prompt access to legal counsel. All arrested persons facing serious criminal charges and others needing legal advice but unable to afford a lawyer received free counsel from the Office of Legal Services, although access to legal services in the outer islands was limited.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Procedural safeguards include the presumption of innocence and provision of adequate time and facilities to prepare a defense. Those on trial also have the right to communicate with an attorney of their choice, be present at their trials, present witnesses and evidence, confront witnesses against them, and appeal convictions. All defendants facing serious criminal charges are entitled to free legal representation. Interpretation, if needed, is not provided for free and may be difficult to obtain. Defendants cannot be compelled to testify or confess guilt. These rights apply to all suspects.

Extrajudicial, traditional communal justice, in which village elders decide cases and mete out punishment, remained a part of village life, especially on remote outer islands.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations from domestic courts.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for the press and other media, and the government generally respected this right.

Media outlets were active and expressed a wide variety of views without restriction.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association.

The government implemented a curfew in May for the most populated regions of the country, South Tarawa and Betio, as part of preventative measures against COVID-19.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law does not specifically provide for granting asylum or refugee status, and the government has not established a formal system for providing protection to refugees. The principal immigration officer has wide discretionary authority to permit foreigners to stay in the country. During the year there were no reported applications for asylum or refugee status.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Observers considered the two-step legislative elections in April 2020 and the presidential election in June 2020 to be free and fair. The legislature has 46 members. Of that number, 44 are elected by universal adult suffrage; the Rabi Island Council of i-Kiribati (persons of Kiribati ancestry) in Fiji elects one;

the attorney general, as an ex officio member, occupies the remaining seat. Anecdotal information from regional media reported unverified claims of foreign interference during election campaigning.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of historically marginalized or minority groups in the political process. Participation by women is low, largely due to traditional perceptions of their role in society. Four women were elected to the legislature in 2020, comprising 9 percent of that body, compared with three women in the 2016 elections. In April 2020, parliament appointed its first female speaker. Several women served as permanent secretaries and deputy secretaries in the administration.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. There were no reports of government corruption during the year. Officials sometimes engaged in corrupt practices with impunity.

Corruption: According to Transparency International's *Global Corruption Barometer: Pacific 2021*, released in November, nepotism and favoritism based on tribal and church ties were prevalent. The auditor general is responsible for oversight of government but lacked sufficient resources to enforce the law effectively.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Together with foreign partners, the government offered training to police, nongovernmental organizations, and church-based groups to develop strategies to strengthen human rights institutions and policies and to reduce discrimination against women.

Government Human Rights Bodies: A Human Rights Task Force and a Human Rights Unit based in the Ministry of Justice provide human rights training and monitoring, and coordinate implementation of human rights treaties.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of women and men is a crime, with a maximum penalty of life in prison, but sentences typically were much shorter. Domestic violence is a crime. The law provides for penalties of up to six months in prison for common assault and up to five years in prison for assault involving bodily harm.

The government, in partnership with UN Women, the Secretariat of the Pacific Community Regional Rights Resource Team, and development partners, offered training for police, public prosecutors, health workers, social welfare workers, education officials, elected officials, and nongovernmental organization workers to implement the law effectively. Domestic violence, often exacerbated by chronic alcohol abuse, continued to be a serious problem. Cultural taboos on reporting rape and domestic abuse and police attitudes encouraging reconciliation rather than prosecution existed.

The government continued implementing the *Eliminating Sexual and Gender-based Violence Policy* through a 10-year national action plan launched in 2011 and addressing inequalities through the 2019 *Gender Equality and Women's Development Policy*. The police force has a Domestic Violence and Sexual Offenses Unit whose officers participated in a capacity-building program that provided training in handling such cases. Police ran a 24-hour hotline for victims of sexual violence and domestic abuse. The government's *Strengthening Peaceful Villages* program, a community-based intervention program launched in 2019,

continued to engage most of the country's population residing in South Tarawa. The Kiribati Women and Children Support Center increased its support for women and children affected by violence, providing victims with counseling and referral services. The Support Center opened a second shelter for women and children in July on Kiritimati Island, the second most populated island in the country. The Ministry of Health operated a clinic at the main hospital in Tarawa for victims of domestic violence and sexual offenses.

Sexual Harassment: The law criminalizes sexual harassment and prescribes a fine for anyone found guilty of the offense. There were no official reports of sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

There were no legal barriers or government policies that impeded access to sexual and reproductive health services. Conservative social and cultural attitudes inhibited access for some to the services.

Access to contraception, as well as prenatal, obstetric, and postnatal care, was available from public health hospitals and centers, but health services were limited in outer islands. The Kiribati Family Health Association also offered mobile reproductive health-clinic services, undertook public campaigns, and provided information and counseling on family planning, although cultural and religious influences remained barriers to access and utilization of services.

The government provided sexual and reproductive health services, including emergency contraception, to survivors of sexual violence.

Discrimination: The law prohibits discrimination based on gender in employment but not on other grounds (see section 7.d.); there were no reports of government enforcing the law. Women have equal access to education. Property ownership rights are generally the same for men and women, but land inheritance laws are patrilineal, and sons often inherited more land than daughters. The citizenship law contains some discriminatory provisions. For example, the foreign wife of a male citizen acquires citizenship automatically through the marriage, but the foreign husband of a female citizen does not. Mothers cannot confer nationality to their

children.

Systemic Racial or Ethnic Violence and Discrimination

The Employment and Industrial Relations Code protects racial or ethnic minorities or groups from discrimination.

The country is racially homogeneous. According to the latest census (2015), the i-Kiribati population account for 98.7 percent, with small minority groups including Kiribati nationals of Tuvaluan descent.

Children

Birth Registration: Citizenship is acquired by birth in the country unless the child acquires the citizenship of another country at birth through a noncitizen parent. Citizenship may also be acquired through the father, but mothers cannot confer nationality to their children with a noncitizen father. The law requires birth registration within 10 days.

Child Abuse: The government and independent observers believed that child abuse, occasionally sexual and often exacerbated by alcohol abuse, was a serious problem. In 2020 the government collaborated with UNICEF to complete the training of 29 welfare officers providing services to children in need of care and protection, and their families. The ministry also established a helpline to respond to concerns on COVID-19, including issues on violence against children.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 21, or 17 with the permission of a parent or guardian. The law was generally respected, particularly in urban areas.

Sexual Exploitation of Children: The law prohibits the procurement of any girl younger than 18 for the purpose of prostitution and prohibits using a child of either gender younger than 15 for prostitution. In both cases the maximum penalty is two years in prison. The minimum age for consensual sex is 15. Sexual relations with a girl younger than age 13 carry a maximum penalty of life imprisonment, and sexual relations with a girl aged 13 to 14 carry a maximum penalty of five years in prison. The victim's consent is not a permissible defense under either provision;

however, in the latter case, reasonable belief the victim was 15 or older is a permissible defense. While this provision applies only to female children, male-on-male sexual exploitation of children can be prosecuted under provisions against “unnatural” offenses (which cover both male and female victims) and as acts of “gross indecency between males,” with maximum penalties of 14 and five years in prison, respectively. The penal code has no specific provision concerning child pornography.

A nongovernmental source noted that the government’s stringent COVID-19 port-related measures and border closures prevented crewmembers of foreign fishing vessels exploiting underage girls.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There is no permanent Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

There were no confirmed reports during the year that the country was a source, destination, or transit country for victims of human trafficking.

Persons with Disabilities

There are no overall legal protections for persons with disabilities. The law prohibits discrimination in employment against persons with disabilities. It does not define disability but prescribes a fine for anyone found guilty of the offense, although the law was not enforced.

Public infrastructure and essential services did not meet the needs of persons with disabilities. Access to buildings, communications, and information for persons

with disabilities is not mandated, and there were no specific accommodations for persons with disabilities.

Most children with disabilities did not have access to education. Seven schools in the outer islands, the teacher's college, and the Ministry of Education headquarters were accessible for children and staff with physical disabilities.

The Ministry of Women, Youth, and Social Affairs is responsible for protecting the rights of persons with disabilities.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual sexual conduct between men is illegal, with penalties from five to 14 years' imprisonment depending on the nature of the offense, but there have been no reports of prosecutions under these provisions for many years. No law specifically prohibits discrimination based on sexual orientation or gender identity in housing, employment, nationality laws, or access to government services such as health care.

There were no reports of investigations into violence and abuse against persons based on sexual orientation or gender identity, but social stigma and the inaccessibility of government services may prevent reporting of incidents of discrimination or violence based on sexual orientation or gender identity.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, conduct strikes, and bargain collectively. The government did not control or restrict union activities; however, unions must register with the government. The law prohibits antiunion discrimination at the time of hiring and while employed but does not specifically provide for reinstatement of workers fired for union activity.

The government effectively enforced the laws. Penalties for violations include fines or imprisonment and were commensurate with other laws involving denials

of civil rights, such as discrimination. There were no reports of lengthy delays or appeal processes during dispute resolution.

The law allows for compulsory arbitration in a wider range of cases than generally recommended in international standards. Similarly, the definition of “essential services,” in which the right to strike is limited, includes a broader range of sectors than do international standards. The penalties for unlawful strikes in both essential and nonessential sectors include imprisonment and a fine.

The government and employers generally respected freedom of association and the right to collective bargaining. The Kiribati Trade Union Congress claimed 3,000 members, including unions and associations for nurses, teachers, fishermen, and seafarers who were able to exercise their labor rights.

In keeping with tradition, negotiations generally were nonconfrontational. There were no known collective-bargaining agreements and no instances reported of denial of the right to strike. There were no reports of antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor

The constitution and laws prohibit most forms of forced or compulsory labor, with some exceptions regarding times of emergency or “calamity.” The law prescribes penalties of fines and imprisonment that are commensurate with those for similar serious crimes. The government enforced the law, and there were no reports of forced labor.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employing children younger than 14 except in light work and employing children aged 14 to 18 in hazardous work. The law does not, however, specify what constitutes either light or hazardous work. The worst forms of child labor are generally prohibited, including compulsory recruitment of children for use in armed conflict; use, procuring, or offering a child for commercial sexual exploitation; use, procuring, or offering of a child for illicit activities; and use, procuring, or offering of a child for the production or trafficking of illegal drugs. The law does not specifically prohibit domestic trafficking of children.

The Ministry of Employment and Human Resource conducted enforcement outreach efforts and established a mechanism for labor complaints, including child labor complaints. The government did not enforce the law. Penalties were not commensurate with those for similar serious crimes. Inspection and trained personnel were insufficient.

Child labor existed primarily in the informal economy. Children were exposed to hazardous conditions in agricultural work and construction. There were allegations of minors involved in sexual activity with foreign fishing crews, receiving cash, alcohol, food, or goods (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment based on ethnic origin, race, color, religion or political opinion, age, state of health or membership of a trade union, and prohibits sexual harassment. Penalties for violations include fines and were commensurate with similar laws related to civil rights. The government did not consistently enforce the law. There were no credible reports of discrimination in employment and occupation. There are no legal restrictions against women in employment to include limiting working hours, occupations, or tasks. Cultural barriers, however, impeded women from playing a more active role in the economy. Persons with disabilities faced discrimination in hiring and access to worksites.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum wage for employees of local businesses and companies was above the poverty line, but it was lower than the minimum wage rate for employees of foreign funded projects. Most of the working population worked in the informal, subsistence economy where the law was not enforced. The Public Service Office sets wages in the public sector, which makes up approximately 80 percent of the employment in the formal economy.

The law sets the workweek at 40 hours. The law provides for paid annual holidays

for all employees except casual workers and 12 weeks for maternity leave, but it leaves the determination up to individual employment contracts, which are then submitted to the Ministry of Employment and Human Resource for documentation. Workers in the public sector worked 36.25 hours per week, with overtime pay required for additional hours. No law or regulation governs the amount of overtime an employee may work.

Occupational Safety and Health: The Ministry of Employment and Human Resource is responsible for enforcing occupational safety and health standards. Employers are liable for the expenses of workers injured on the job. By law workers may remove themselves from situations that endanger their health or safety without threat to their employment. Penalties for violations include fines commensurate with those for similar crimes, such as fraud and negligence.

The government generally enforced wage and safety regulations in the formal sector. The ministry conducted labor inspections and did not receive any work-related injury complaints in the year to October. Inspectors have the authority to make unannounced inspections and initiate sanctions.

Informal Sector: The informal sector provided an important source of livelihood, as employment opportunities in the formal sector were limited. An estimated 80 percent of the working population worked in the informal sector, involved in agriculture, fishing, food preparation and sales, and home-based activities. There was no systematic process to record and report workplace injuries. A lack of resources and qualified personnel restricted the government's ability to enforce employment laws effectively in the informal sectors.